

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

SONTAY T. SMOTHERMAN,

Civ. No. 2:14-cv-972  
Crim. No. 2:12-cr-055(3)  
Judge Frost

**ORDER**

Sontay Smotherman filed a motion to vacate pursuant to 28 U.S.C. § 2255, which this Court dismissed. *Order*, ECF No. 291. That dismissal is currently pending on appeal to the United States Court of Appeals for the Sixth Circuit. *Sontay T. Smotherman v. United States of America*, Case No. 15-3665 (6<sup>th</sup> Cir.). On May 26, 2015, this Court granted defendant leave to appeal that dismissal *in forma pauperis*. *Order*, ECF No. 310. However, this Court also denied defendant's requests to provide notice to the United States Attorney General *in forma pauperis*. *Order*, ECF No. 313; *Order*, ECF No. 341. The United States Court of Appeals has apparently construed those orders as denying leave to appeal *in forma pauperis* the dismissal of the motion to vacate under 28 U.S.C. § 2255. This matter is now before the Court on defendant's motion for leave to proceed in his pending appeal, *Sontay T. Smotherman v. United States of America*, Case No. 15-3665 (6<sup>th</sup> Cir.), without prepayment of fees or costs. *Motion to Correct Error*, ECF No. 345.

Defendant's motion, *Motion to Correct Error*, ECF No. 345, is **GRANTED**. This Court reiterates that Sontay Smotherman has been granted leave by this Court to proceed in his pending appeal, *Sontay T. Smotherman v. United States of America*, Case No. 15-3665 (6<sup>th</sup> Cir.), *in forma pauperis*.

**/s/ GREGORY L. FROST**  
GREGORY L. FROST  
United States District Judge